

Panaji, 18th February, 2010 (Magha 29, 1931)

SERIES I No. 47

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

INDEX

| Department | Notification | Subject | Pages |
|---|-----------------|---|-------|
| 1. Home Home-General Division Under Secretary | 17/17/99-HD(G) | Scheme to administer special package and concessions/facilities to personnel/families of Indian armed forces of the State of Goa. | 2575 |
| 2. Power Office of the Chief Electrical Engineer Secretary | 14/1/CEE/TECH/5 | Electricity Department as the Designated Agency. | 2580 |

GOVERNMENT OF GOA

Department of Home

Home-General Division

Notification

17/17/99-HD(G)

The Government of Goa is hereby pleased to formulate the following Scheme to administer special package and concessions/facilities to personnel/families of Indian armed forces of the State of Goa who are killed/disabled in action or die in harness in the performance of their bonafide official duties, namely:—

1. *Short title and commencement.*— (1) This Scheme may be called the “Grant of ex gratia lumpsum amount to the Next of Kin of Deceased/Disabled Soldiers Scheme”.

(2) It shall come into force from the date of its publication in the Official Gazette.

Ex gratia:

(a) Rs. 7.00 lakhs to the Next of Kin of deceased and Rs. 2.00 lakhs to the disabled on death/disability occurring during—

(i) enemy action in international war or border skirmishes; and

(ii) action against militants, terrorists, extremists, insurgents, etc.

(b) Rs. 5.00 lakhs to the Next of Kin of the deceased and Rs. 1.00 lakh to permanently disabled on death/disability occurring due to accidents in the course of performance of duties which is attributable to military service.

(c) Rs. 5.00 lakhs to the Next of Kin of the deceased and Rs. 1.00 lakh to the permanently disabled on death/disability occurring in the course of performance of duties attributable to acts of violence by terrorists, anti-social elements, etc.

Employment: Job to one eligible family member of the deceased or permanently disabled as per education qualification.

Education: Free education upto graduation level to the children of the personnel killed/ permanently disabled.

2. The condition and guidelines to be observed governing the payment of ex gratia lumpsum compensation in terms of these instructions are indicated in the annexure.

3. These shall apply to all cases of death/ disability in harness occurring on or after 01 October, 2008. In so far as cases of death/ disability which occurred prior to 01 October, 2008 are concerned, these shall be regulated and finalized in terms of the orders and instructions in force prior to the issue of these orders/instructions.

4. These orders/instructions supersede earlier orders issued on the subject.

Clause (a): Death/disability occurring during wars or borders skirmishes and action against militants, terrorists and extremists

1. The ex gratia compensation/concessions/ facilities under clauses (a), (b) and (c) of para 1 will be restricted only to those cases where Service Personnel are killed/permanently disabled in actual field operations. A higher rate of compensation has been prescribed in these cases having regard to the magnitude of hardships and risks involved in field operation, including combing operation against terrorists, militants, extremists, etc. This will generally be applicable only to the Service Personnel deployed along the borders, line of control, etc., as well as those engaged in combing terrorism/extremism/militancy and counter insurgency operations.

2. As indicated in para 1 of the letter, compensation, concession and facilities under this clause will be admissible to families of Service Personnel killed and the permanently disabled Service Personnel.

(a) In action in International Wars;

(b) While fighting in war-like situations or border skirmishes with any Country;

(c) In action against armed hostile, militants, terrorists;

(d) In counter insurgency operations;

(e) During laying or clearance of mines, including those laid by enemies, militants, terrorists, insurgents, etc., as well as in the cause of mine-snooping operations;

(f) As a result of exploding mines on route to an operational area;

(g) During battle inoculation as part of prescribed training exercise involving the use of live ammunition.

3. In addition, families of Service Personnel killed/permanently disabled after being kidnapped by militants, terrorists, extremists, insurgents, etc., because of the official position or with a view to spreading terror will also be entitled to the compensation under this clause.

Clause (b): Death/disability attributable to accidents while on duty

1. Death/disability, as a result of an accident while travelling in a public, private or official vehicle or otherwise of Service Personnel deputed to distribute dak, notices, courier, etc., or of Personnel on field duties.

2. Death/disability occurring due to an accident while travelling on bonafide official duties in a service aircraft.

3. Accidents during test flights of aircrafts and non-scheduled flight of chartered aircraft resulting in death/disability of Service Personnel on duty in public interest in such flights.

4. Death/disability, in train accidents of Service Personnel undertaking official journeys on duty.

5. Accidents to ships, destroyers, frigates, sub-marines, river steamers, etc., resulting in death/disability of Service Personnel undertaking official duty or journeys on duty by these modes or travel.

6. Death/disability, as a result of accidents, of Service Personnel while proceeding on raids against anti-social elements etc.

7. Death/disability, due to contact with live electric/power lines, of Service Personnel deployed on flood/cyclone/earthquake and accident relief activities.

8. Death/disability, due to electrocution, of Service Personnel engaged in rectification of defects in generation and distribution of electricity.

9. Death/disability of Service Personnel due to accidents while engaged in rectification of defects in machinery and equipment.

10. Death/disability of Service Personnel due to accidental explosion of boilers, storage tanks of inflammable materials, chemicals, etc.

11. Death/disability of Service Personnel due to fire accidents while on duty.

12. Death/disability of Service Personnel engaged in fire fighting operation.

Clause (c): Death/disability attributable to acts of violence by terrorists, anti-social elements, etc.

1. Death/disability resulting from acts of violence or assault by terrorists, smugglers, dacoits, anti-social elements, etc., against individual Service Personnel:—

(a) with the intention of deterring of preventing him from performing his duties; or

(b) because of any act done or attempted to be done in the lawful discharge of his duties; or

(c) because of his official position.

2. Service Personnel killed/disabled in the course of performance of their duties as result of violence or attack by armed hostile, extremists, terrorists, anti-social elements, etc.

3. Service Personnel on duty, killed/disabled in incident of terrorists violence other than in actual operations and encounters.

4. Death/disability, due to stone throwing, use of weapons and other violent acts by demonstrations, anti-social elements, etc. Service Personnel while employed in aid to civil administration in quelling agitations, protest demonstrations, riots, etc.

5. Death/disability of Service Personnel while proceeding on raids against anti-social elements, etc., attributable to attacks by the parties so raided, including anti-social elements.

6. Death/disability of Service Personnel while on duty, an unwilling victim of bomb blast in public places or vehicles, indiscriminate shooting incidents in public, etc. often resorted to by terrorists, anti-social elements, etc.

Conditions governing the payment of ex gratia lumpsum compensation and guidelines to be observed

1. The main condition to be satisfied for the payment of the ex gratia lumpsum compensation in the specified circumstances is that the death/disability of the Service Personnel concerned should have occurred in the actual performance of bonafide official duty.

2. Powers having been delegated to the Administrative Department to sanction ex gratia payment under these orders, they are to satisfy themselves that the death/disability of the Service Personnel to be compensated by the payment of the lumpsum ex gratia to the family in fact occurred in the actual performance of bonafide official duties. This could be done on the basis of medical and other documents relating to the case.

3. Even if a Service Personnel had died/disabled in such circumstances a medical report could not be sourced, the nexus and

casual connection with Service Headquarters would need to be adequately established in determining the entitlement to the ex gratia lumpsum payment. In deciding this issue, all evidence (both direct and circumstantial) shall be taken into account and the benefit of reasonable doubt given to the claimant. The benefit of reasonable doubt will be extended more liberally in field service cases.

4. In cases of accidents to commercial aircraft resulting in the death of passengers, compensation is payable to the Next of Kin by the National or Private Airline concerned in terms of international conventions. The ex gratia lumpsum compensation in terms of these orders will therefore not be admissible in addition in the event of death due to accidents while travelling on duty by commercial aircraft and shall be restricted only to those cases where death occurs in an accident while travelling on duty by Service Aircraft.

5. Railways also pay compensation to the Next of Kin of passengers killed in train accidents. Therefore, the ex gratia compensation admissible in terms of clause (b) of Para 1 of these orders shall be reduced by the compensation, if any received by the Next of Kin of Service Personnel killed or permanently disabled in train accidents while travelling on duty.

6. Ex gratia compensation under clause (c) of Para 1 will be admissible to Service Personnel killed/disabled while employed in aid of the civil administration in quelling agitations protest demonstrations, riots, etc., are resorted to by members of the public, political parties, etc., or by other public servants, including police personnel. In addition, in the context of a perceptible increase in violence related incidents over the years, Service Personnel on duty could become unwilling victims of bomb blasts in public places or vehicles, indiscriminate shooting incidents in public etc. The compensation under clause (c), will also, therefore, be admissible in cases of death/disability in such incidents, provided the

Service Personnel concerned were actually on duty at the relevant time.

7. Cases of death/disability resulting from acts of violence or assault by terrorists, anti-social elements, etc., against a Service Personnel with the intention of deterring or preventing him from performing his duties; or because of any act done or attempted to be done by such Service Personnel in the lawful discharge of his duties; or because of his official position will also be covered under clause (c).

8. Ex gratia compensation under clause (a) of Para 1 will generally be restricted only to those cases where death/disability of the Service Personnel is directly caused by actual field operations. In addition, families of Service Personnel killed/disabled after being kidnapped by militants, terrorists, extremists, insurgents, etc., because of their official position or with a view to spreading terror will also be entitled to the compensation under this clause.

9. The ex gratia compensation in the circumstances specified in these orders shall be admissible in addition to such other benefits as may be admissible under the Liberalized Pensionary Award Scheme, as the case may be. This will also be mutually exclusive of such other benefits as may be admissible under the Group Insurance Scheme of the respective Defence Services Fund and will be payable in addition to such benefits.

10. In determining the admissibility of the ex gratia compensation payable from Central Government Funds, ex gratia, if any, made to families of the deceased/disabled Service Personnel from any other State under whose jurisdiction the operation took place/death occurred shall not be taken into account and shall be excluded.

11. In certain cases relief is also provided to families of deceased Service Personnel from sundry Government sources, such as the Prime Minister's Relief Fund, Chief Minister's

Relief Fund, etc., in such cases, it should be ensured that the aggregate of the relief/ex gratia compensation paid from different sources does not exceed Rs. 15.00 lakhs in each individual case.

12. In view of the fact that the ex gratia compensation in terms of these orders is payable to the families of the deceased Service Personnel/permanently disabled Service Personnel default or contributory negligence, if any, on the part of the Service Personnel concerned shall not be taken into account in sanctioning the compensation.

13. Special concessions and facilities like employment to one eligible family member as per education qualification and free education upto graduation level will be applicable to the Service Personnel killed/permanently disabled due to death/disability occurring during enemy action in international war or borders skirmishes and action against militants, extremists, terrorisms, insurgents, etc.

Eligibility

1. For claiming the special package of ex gratia grant, the eligibility conditions are as under:—

(a) The Service Personnel must be of Goan origin, or born in Goa and domiciled in the State of Goa for a minimum period of 15 years.

(b) Next of Kin should be of Goan origin or domiciled in the State of Goa continuously for a minimum period of 15 years.

Documents required

1. For claiming the ex gratia grant, the Next of Kin/Service Personnel must produce the undermentioned documents.

(a) The Next of Kin/Service Personnel should submit an application with brief details of the deceased/permanently disabled Service Personnel.

(b) The application shall be accompanied by proof of casualty issued by competent authority like brief detail of the operations/ /circumstances leading to casualty, medical certificate issued by Service Hospital/ /Government Hospital, Personnel Occurrence Report/Part II Order, etc.

2. On receipt of application from the Next of Kin/Service Personnel, the Department of Sainik Welfare will process the case to the Government through the Administrative Department for consideration and approval.

Presenting of ex gratia grant

1. The ex gratia grant will be presented to the Next of Kin/permanently disabled Service Personnel by the hands of H.E. the Governor of Goa or Hon'ble Chief Minister of Goa in a public function on special occasion like Republic Day, Independence Day, Goa Liberation Day, etc.

Budget Provision

1. The provision of the ex gratia grant for the Next of Kin/permanently disabled Service Personnel shall be made in the Contingency/ /Revised Budget allocation under the following Budget Head: 2235 — Social Security and Welfare, 60 — Other Security and Welfare Programme, 200 — Other Programmes, 60 — Ex gratia to Next of Kin/permanently disabled Service Personnel.

By order and in the name of the Governor of Goa.

Siddhivinayak Surendra Naik, Under Secretary (Home).

Porvorim, 11th February, 2010.

Department of Power

Office of the Chief Electrical Engineer

—

Notification

14/1/CEE/TECH/5

In exercise of powers conferred under Clause (d) of Section 15 of the Energy Conservation Act, 2001 (Central Act 52 of 2001) (hereinafter referred to as the "said Act"), the Government of Goa hereby designate the Electricity Department, Government of Goa as the "Designated Agency" to co-ordinate, regulate and enforce the provisions contained in the said Act

within the State of Goa with immediate effect.

By order and in the name of the Governor of Goa.

S. Kumaraswamy, Secretary (Power).

Porvorim, 5th February, 2010.

—◆◆—

Corrigendum

The date of the Order No. 11/176/09-CLM/ /70/254 from Department of Legal Metrology published in Official Gazette Series I No. 46 dated 11-2-2009, may be read as "30th January, 2009" instead of "30th January, 2010".

www.goagovt.nic.in/gazette.htm

Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 6.00